

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
- - - - - X
:
UNITED STATES OF AMERICA : INFORMATION
:
- v. - : 21 Cr. 67
DANIEL KAMENSKY, :
:
Defendant. :
- - - - - X

The Acting United States Attorney charges:

COUNT ONE

1. On or about July 31, 2020, in the Southern District of New York and elsewhere, DANIEL KAMENSKY, the defendant, knowingly and fraudulently gave, offered, received, and attempted to obtain money and property, remuneration, compensation, reward, advantage, and promise thereof for acting or forbearing to act in any case under Title 11 of the United States Code, to wit, KAMENSKY pressured a certain global investment bank (the "Investment Bank") to refrain from bidding to purchase MyTheresa Series B Shares from the unsecured creditors of Neiman Marcus Group Ltd LLC in connection with its Chapter 11 bankruptcy proceeding by threatening to (i) use his position on the Official Committee of Unsecured Creditors to ensure that the Investment Bank's bid would be rejected, and (ii) withhold Marble Ridge Capital LP's ("Marble Ridge") future business from the Investment Bank, so that Marble Ridge, a firm

managed by KAMENSKY, could obtain those MyTheresa Series B Shares at a lower price.

(Title 18, United States Code, Sections 152(6) and 2.)

FORFEITURE ALLEGATIONS

2. As a result of committing the offense alleged in Count One of this Information, DANIEL KAMENSKY, the defendant, shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense alleged in Count One of this Information, that the defendant personally obtained.

Substitute Assets Provision

3. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described above.

(Title 18, United States Code, Sections 981 and 982; Title 21, United States Code, Section 853; and Title 28, United States Code, Section 2461.)

Audrey Strauss
Audrey Strauss
Acting United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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- v. -

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21 Cr.

(Title 18, United States Code,
Sections 152(6) and 2.)

AUDREY STRAUSS
United States Attorney

2/3/2021 Waiver of Indictment filed.
(gr) Cote, USDJ